



Montana Fish, Wildlife & Parks

1400 South 19th Avenue
Bozeman, MT 59718

23 July 2003

To: Governor's Office, Todd O'Hair, State Capitol, Room 204, P.O. Box 200801, Helena, MT 59620-0801
Environmental Quality Council, State Capitol, Room 106, P.O. Box 201704, Helena, MT 59620-1704
Dept. of Environmental Quality, Metcalf Building, P.O. Box 200901, Helena, MT 59620-0901
Montana Fish, Wildlife & Parks:
Director's Office Parks Division Lands Section FWP Commissioners
Fisheries Division Legal Unit Wildlife Division Design & Construction
MT Historical Society, State Historic Preservation Office, P.O. Box 201202, Helena, MT 59620-1202
MT State Parks Association, P.O. Box 699, Billings, MT 59103
MT State Library, 1515 E. Sixth Ave., P.O. Box 201800, Helena, MT 59620
James Jensen, Montana Environmental Information Center, P.O. Box 1184, Helena, MT 59624
Janet Ellis, Montana Audubon Council, P.O. Box 595, Helena, MT 59624
George Ochenski, P.O. Box 689, Helena, MT 59624
Jerry DiMarco, P.O. Box 1571, Bozeman, MT 59771
Montana Wildlife Federation, P.O. Box 1175, Helena, MT 59624
Wayne Hurst, P.O. Box 728, Libby, MT 59923
Bob Raney, 112 S. 6th St., Livingston, MT 59047

Ladies and Gentlemen:

Since the completion of the public comment period on May 6, 2003, Montana Fish, Wildlife & Parks (FWP) has negotiated with the Corps of Engineers to reduce the impact of the proposed parking area to wetlands on the east side of Swenson Way. Ultimately, the parking area was redesigned in the same general location but the size was reduced to eliminate wetlands impact. This negotiation process was lengthy, thus the unavoidable delay issuing the attached decision notice. We appreciate your patience while FWP worked with the Corps of Engineers to redesign the parking area to reduce the impact to natural features and at the same time accommodate site users in the most effective manner.

Attached is the decision notice for the Blacktail Meadows Fishing Access Site (FAS) Improvements Environmental Assessment (EA). FWP proposed to cooperate with the Beaverhead Outdoors Association to provide improvements at this site to enhance youth fishing opportunities and other day use activities within the city limits of the community of Dillon, Montana. Five public comments were received on the proposal. The public comment period ended on May 6, 2003.

It is my decision to proceed with the proposed improvements at the Blacktail Meadows Fishing Access Site, including the redesigned parking area. These include parking area construction, latrine installation, trail improvement, tree planting, and sign installation. Further details are listed in the decision notice.

Questions regarding this decision notice should be directed to Jerry Walker, Region Three Parks Manager, at Fish, Wildlife & Parks, 1400 S. 19th Ave., Bozeman, MT 59718, (406) 994-4042, or at gwalker@montana.edu.

Thank you for your interest.

Sincerely,

Patrick J. Flowers
Region Three Supervisor

*Beaverhead
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Montana Fish, Wildlife & Parks

REGION THREE, BOZEMAN
JULY 23, 2003

BLACKTAIL MEADOWS FISHING ACCESS SITE IMPROVEMENTS ENVIRONMENTAL ASSESSMENT DECISION NOTICE

Proposed Action

Montana Fish, Wildlife & Parks (FWP) and the Beaverhead Outdoors Association (BOA) cooperatively propose to improve the Blacktail Meadows Fishing Access Site (FAS) facilities. The BOA has agreed to fund and complete construction of the proposed facilities and will maintain the site and new facilities. Components of the site plan would be installed using a combination of contracted services, volunteer labor, and donated materials and services as procured by Beaverhead Outdoors Association.

The BOA and FWP propose to complete the project components in the following progression, though this order may vary slightly depending on funding or donations acquired. Eight gravel parking stalls are proposed to allow off-street parking with a turn-around cul-de-sac. This area would be bordered with rock barriers to limit off-road vehicle travel. A pedestrian crosswalk and signs would link the pond area to the parking area. A latrine would be installed on site. Approach signs near the Interstate 15 interchange and an entrance sign along Swenson Way (previously known as Blacktail Boulevard) would identify the site. An orientation area would include a regulation sign, and a land donor recognition sign. Approximately four picnic tables and a bicycle rack would be placed at the site. The existing single-track trail around the lake is proposed for widening to five feet, covered with weed barrier fabric, then surfaced with wood chips and bordered with railroad ties anchored with metal rods. A footbridge would be installed to complete the trail loop and cross Pigtail Slough at the north end of the property. Six fishing nodes with connecting spurs off the main trail would ease access to the water's edge. Areas disturbed from construction would be seeded with a local grass seed mix; approximately 18 trees would be planted at various locations. Appropriate boundary fencing may be necessary in the future. The BOA also proposes to have the power company move or bury the overhead power line traversing the site.

Swenson Way intersects the fishing access site and is a 25 mph road that connects western, downtown Dillon to the northern Interstate 15 interchange area. This area was recently subdivided for commercial use. The parking area is proposed east of Swenson Way since the FAS property adjacent to the pond does not provide sufficient space. The site improvements are intended to improve physical access in an area where on-street parking is not allowed. Because of the proximity of the pond to Dillon, it is anticipated that many youth and families would also ride bikes or walk to the site; thus, pedestrian crosswalk markings and a bicycle rack are proposed. Widening and surfacing the existing single track trails and providing fishing nodes will provide easier access to the entire pond. The footbridge will provide more direct access to the north and west lakeshores.

A pre-cast, sealed vault latrine with exterior aggregate surface would maintain a sanitary site. This is the proposed and preferred alternative by the project sponsors. Although the FAS is within the city limits, this is a commercial area on the edge of town, which won't impact residential aesthetics that could be a concern at other locations within city limits. A sealed vault latrine is preferred because of the low installation and maintenance costs. Neither FWP nor the BOA has the funds to install or maintain a full flush restroom. In addition, a full restroom facility would be closed to the public from about October 1 to April 30 each year, because of cold temperatures and the need to winterize a facility with no heat source. The proposed latrine is also consistent with FAS's across the state.

This site was donated and acquired by FWP in 2002 for the purpose of providing open space recreation and an urban, family fishing access. The pond is proposed for youth fishing only, though the Blacktail Deer Creek corridor on the east side of Swenson Way would remain open to all ages and managed under the standard fishing season and limits for the Central Fishing District (with the exception that the combined trout limit include cutthroat trout). The pond is not connected by surface flow to either Pigtail Slough or Blacktail Deer Creek. FWP intends to provide annual plants of rainbow trout, both juvenile fish and mature retired brood stock, in order to provide for the pond fisheries resource.

The proposed construction would be subject to approval by the Blacktail Deer Creek Meadows Minor Subdivision Owners' Association and by the City of Dillon. Several variances to the subdivision's Covenants, Conditions and Restrictions were issued by the Owners' Association (April 18, 2002) in an effort to facilitate this project. Eight variances were passed, including the following:

- allow natural ground cover in place of formal landscaping;
- allow five years to construct screening around garbage receptacles, if owner removes trash from lots weekly in the interim;
- allow portable or temporary restrooms to be used for five years until a building meeting the subdivision covenants can be built;
- allow five years to complete the planned development.

One covenant, which was not granted a variance, indicates that parking areas will be asphalt or concrete surface. In the EA, a gravel surface was identified as the preferred alternative for the small proposed parking area. Further, we felt that asphalt would be considered "out of character" for a natural area and would be cost prohibitive, though it is considered in Alternative D under Part II.2 of this document.

Montana Environmental Policy Act

Montana Fish, Wildlife & Parks assess impacts of its proposals to the human and natural environments. The Blacktail Meadows Fishing Access Site improvements proposal and its effects were discussed in the March 27, 2003 Draft Environmental Assessment (EA) to comply with the requirements of the Montana Environmental Policy Act (MEPA).

A 30-day comment period was open from March 31 through May 6, 2003. Public notification of the proposed action was facilitated with the distribution of legal notices printed in the Helena Independent Record, the Montana Standard—Butte, and the Dillon Tribune newspapers.

Summary of Public Comment

Five comments were received on the proposal to construct improvements at Blacktail Meadows FAS.

The Beaverhead and Big Hole Outfitters and Guides Association wrote in support of the proposal.

The Beaverhead County Sanitarian and Environmental Health Officer Larry Laknar wrote to support the proposal and remind FWP that a permit was required for installing a sealed vault latrine. A follow-up e-mail from Mr. Laknar indicated the need for a floodplain permit for the proposed parking area and latrine.

FWP Lands Section sent an e-mail reminding the Region that consultation with the Corps Of Engineers was necessary due to the presence of wetlands within the proposed project area.

FWP Wetlands Legacy Coordinator Tom Hinz wrote to confirm the presence of wetlands within the proposed project area and to recommend that FWP apply to the Corps of Engineers for a Section 404 Permit and plan for mitigation to offset the impact to the wetlands that will be disturbed if the proposal is implemented.

Additional Considerations

A number of developments related to the proposal occurred during (or after) the public comment period that should be noted in this decision notice.

First, the City of Dillon amended an ordinance that prohibited the installation of a sealed vault latrine within the city limits after it was discovered that this ordinance was in direct conflict with a state law that required sealed vault latrines within a designated floodplain. This ordinance change was approved at the May 20, 2003 City Council meeting. According to correspondence from Martin Malesich, Mayor, City of Dillon, the amendment became effective June 21, 2003.

Second, contact with the Corps of Engineers indicated the likelihood that a Section 404 Permit would be necessary for parking area and latrine installation along Blacktail Creek because of probable impact to wetlands. The Corps requested that FWP Wetlands Legacy Coordinator Tom Hinz conduct a field analysis to determine the wetlands status of the area in question. Mr. Hinz determined that the area qualified as a wetland and would be impacted by the proposal. This was noted above in the comment letter received from him on the proposal. Region Three subsequently applied for the Section 404 Permit. During discussions with the Corps of Engineers, FWP redesigned the proposed parking area to eliminate impacts to the wetland area. The redesigned parking area is located at the same general location but does not extend into wetlands. The latrine will remain in the same location as originally proposed. See attached revised master site plan for redesigned parking area.

Finally, attorney Max A. Hansen, representative of the Blacktail Deer Creek Meadows Minor Subdivision Owners' Association, was contacted after the expiration of the public comment period regarding two covenants attached to the subdivision property upon which the Blacktail Meadows FAS is located, namely review of the master site plan/construction plans and the requirement that the parking area be concrete or asphalt. E-mail correspondence received from Mr. Hansen

indicated approval of the sealed vault latrine facility and a variance for a ten-year period from the concrete/asphalt requirement for the parking area. Within the ten-year period, paving (or concrete) of the parking area will be required.

Final Environmental Assessment for the Blacktail Meadows Fishing Access Site Improvement Proposal

The Draft EA, revised master site plan, and this Decision Notice will serve as the final document.

Decision

Based on the information in the Draft EA, it is my decision to proceed with the proposed improvements. These include construction of parking area, including pavement within ten years, and installation of latrine as shown on the attached revised master site plan. Additional improvements approved by this decision notice include rock barriers, signing, picnic tables, bicycle rack, lakefront perimeter trail with fishing nodes, footbridge across Pigtail Creek, tree planting, and boundary fencing as described in the Draft EA. All areas disturbed during the construction phase of this project will be reseeded with a local grass mix. This decision notice also authorizes the removal or burying of overhead power lines at a future time with the approval of the power company. The decision to proceed with the proposed improvements is contingent on obtaining the required permits.

Based on the analysis in the Environmental Assessment and the applicable laws, regulations, and policies, I have determined that this action will not have a significant effect on the natural or human environment. Therefore, an Environmental Impact Statement will not be prepared.

If you have questions regarding this decision notice, please contact Jerry Walker, Region Three Parks Manager at (406) 994-4042, 1400 S. 19th Avenue, Bozeman, MT 59718, or at gwalker@montana.edu.



Patrick J. Flowers
Region Three Supervisor

